

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 24111 Permit 16603 License 10877

**ORDER CORRECTING POINT OF DIVERSION & DESCRIPTION OF PLACE OF USE
ISSUANCE OF SEPARATE LICENSES AND REVOCATION OF ORIGINAL LICENSE**

WHEREAS:

1. License 10877 was issued to William David Wigley and Jane S. Wigley and was recorded with the County Recorder of Ventura County on Book 5329, Page 475 on February 16, 1979.
2. A portion of License 10877 was subsequently assigned Steven A. Smith and Robin W. Smith and the remaining portion of License 10877 assigned to Lecil E. Cole and Jeanette Cole.
3. The State Water Resources Control Board (SWRCB) staff conducted an inspection of the project area for the companion License 13247 on August 29, 1995 wherein it was concluded the existing Point of Diversion (POD) is the same for License 10877. The SWRCB staff has determined the description for the POD and the place of use (POU) under License 10877 should be corrected to agree with the description for the POD and POU under License 13247.
4. A request for issuance of separate licenses to cover the licensee's respective interest in License 10877 has been filed with the SWRCB.
5. The SWRCB has determined the correction to the POD and division of the license does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
6. The license condition pertaining to the SWRCB's continuing authority should be replaced with the current version to conform with Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The description for the Point of Diversion under License 10877 be corrected to read as follows:

North 900 feet and East 400 feet from the SW corner of Section 27, T4N, R21W, SBB&M being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 27, also described as California Coordinate System, Zone 5, N 327,850 and E 1,675,500.

2. The description for the place of use under License 10877 be corrected to read as follows:

1 acre within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 22, T4N, R21W, SBB&M
8 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28, T4n, R21W, SBB&M
1 acre within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28, T4N, R21W, SBB&M
15 acres within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27, T4n, R21W, SBB&M
35 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27, T4N, R21W, SBB&M
14 acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27, T4N, R21W, SBB&M
3 acres within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27, T4N, R21W, SBB&M
11 acres within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27, T4N, R21W, SBB&M
88 acres total, as shown on map dated 6/2/97 on file with the
State Water Resources Control Board.

3. License 10877 be replaced by License 10877A issued to Lecil E. Cole and Jeanette Cole and License 10877B issued to Steve A. Smith and Robin W. Smith.

4. Superseded License 10877 is hereby revoked upon issuance of Licenses 10877A and 10877B.

5. Separate licenses be issued as follows:

A. License 10877A (Application 24111A)
Owner: Lecil E. Cole and
Jeanette Cole
1750 Orcutt Road
Santa Paula, CA 93060
Source: Santa Paula Creek tributary to
Santa Clara River thence Pacific
Ocean in Ventura County
Use: Irrigation, Domestic, and Recreation
Amount: By Direct Diversion:
(1) 0.225 cubic foot per second and
(2) 500 gallons per day-Direct Diversion
By Storage:
(3) 26.3 acre-feet per annum
The total amount of stored water to be
placed to beneficial use shall not exceed
25.5 acre-feet per year
Direct Diversion & Storage Maximum Annual
Amount: 84.5 afa

Season: (1) April 1 to October 31 (irrigation)
(2) January 1 to December 31 (domestic)
(3) October 1 to June 1 (storage)

Point of
Diversion: North 900 feet and East 400 feet from SW
corner of Section 27, T4N, R21W, SBB&M,
being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said
Section 27, also described as
California Coordinate System,
Zone 5, N 327,850 and E 1,675,500.

Offstream
Storage Rate: 0.93 cubic foot per second

Place of
Use: Domestic use within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section
T4N, R21W, SBB&M; Recreational uses at two
reservoirs within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of
Section 27, T4N, R21W, SBB&M; and
irrigation of 60 acres as follows:

- 1 acre within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of
Section 22, T4N, R21W, SBB&M;
- 8 acre within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of
Section 28, T4N, R21W, SBB&M;
- 1 acre within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of
Section 28, T4N, R21W, SBB&M;
- 15 acres within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of
Section 27, T4N, R21W, SBB&M;
- 35 acres within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of
Section 27, T4N, R21W, SBB&M;
as shown on map dated 6/2/97 on file
with the State Water Resources
Control Board, all within Assessor
Parcel No: 040-0-100-255.

B. License 10877B (Application 24111B)
Owner: Steve A. Smith and
Robin W. Smith
5682 Pinegrove Road
Santa Paula, CA 93060

Source: Santa Paula Creek tributary to Santa Clara
River In Ventura County

Use: Irrigation and Domestic

Amount: 0.105 cubic feet per second
Maximum Annual Use: 39.5 acre-feet
per annum

Season: April 1 to October 31

Point of
Diversion: North 900 feet and East 400 feet from
SW corner of Section 27, T4N, R21W, SBB&M,
being within SW¼ of SW¼ of said Section 27,
also described as California Coordinate
System, Zone 5, N 327,850 and E 1,675,500.

Place of
Use: Irrigation of 28 acres as follows:

14 acres within the SE¼ of SW¼ of
Section 27, T4N, R21W, SBB&M;
11 acres within the NW¼ of SW¼ of
Section 27, T4N, R21W, SBB&M;
3 acres within the NE¼ of SW¼ of
Section 27, T4N, R21W, SBB&M;
as shown on map dated 6/2/97 on file
with the State Water Resources
Control Board, all within Assessor
Parcel No: #040-0-100-235, 040-0-100-245
and #040-0-100-285.

6. The existing continuing authority condition in License 10877 be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source.

Licensee may be required to

implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

7. License 10877A and 10877B shall contain all other terms and conditions presently in License 10877 or updated versions for compliance with the SWRCB's policy.

Dated:

MARCH 9 1998


Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 24111

PERMIT 16603

LICENSE 10877

ORDER CORRECTING POINT OF DIVERSION
AND PLACE OF USE

WHEREAS:

1. License 10877 was issued to William David Wigley and Jane S. Wigley and was recorded with the County Recorder of Ventura County on Book 5329, Page 475 on February 16, 1979.
2. License 10877 was subsequently assigned to Jane S. Wigley and Estate of William D. Wigley
3. An inspection was made on September 2, 1983 and it was determined that the description of the Point of Diversion and Place of Use should be corrected. This correction is needed to show true location of the Point of Diversion and Place of Use.

NOW, THEREFORE, IT IS ORDERED THAT:

The Point of Diversion under License 10877 be described as follows:

North 750 feet and East 450 feet from SW corner of Section 27, T4N, R21W, SBB&M, being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 27.

Irrigation use under License 10877 be described as follows:

- 1 acre within SW $\frac{1}{4}$ of Section 22, T4N, R21W, SBB&M
- 67 acres within NW $\frac{1}{4}$ of Section 27, T4N, R21W, SBB&M
- 13 acres within SW $\frac{1}{4}$ of Section 27, T4N, R21W, SBB&M
- 7 acres within NE $\frac{1}{4}$ of Section 28, T4N, R21W, SBB&M

88 acres total

Dated: AUGUST 14 1984

L. O. Johnson
for Raymond Walsh, Chief
Division of Water Rights



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 24111

PERMIT 16603

LICENSE 10877

THIS IS TO CERTIFY, That

WILLIAM D. WIGLEY AND JANE S. WIGLEY

7676 PINE GROVE ROAD, SANTA PAULA, CALIFORNIA 93061

HAVE *made proof as of* JANUARY 26, 1977 *(the date of inspection)*
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
SANTA PAULA CREEK IN VENTURA COUNTY

tributary to SANTA CLARA RIVER

for the purpose of IRRIGATION, DOMESTIC AND RECREATIONAL USES
under Permit 16603 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from JULY 7, 1972 and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed (A) THIRTY-THREE HUNDREDTHS (0.33) CUBIC FOOT PER SECOND
BY DIRECT DIVERSION, TO BE DIVERTED FROM APRIL 1 TO OCTOBER 31 OF EACH YEAR FOR
IRRIGATION AND DOMESTIC PURPOSES AND FIVE HUNDRED (500) GALLONS PER DAY THROUGHOUT
THE REMAINDER OF THE YEAR FOR DOMESTIC PURPOSES; AND (B) TWENTY-SIX AND THREE-
TENTHS (26.3) ACRE-Feet PER ANNUM BY STORAGE, TO BE COLLECTED FROM OCTOBER 1 OF
EACH YEAR TO JUNE 1 OF THE SUCCEEDING YEAR. THE TOTAL AMOUNT OF WATER TO BE TAKEN
FROM THE SOURCE SHALL NOT EXCEED 124 ACRE-Feet PER YEAR. THE TOTAL AMOUNT OF
STORED WATER TO BE PLACED TO BENEFICIAL USE SHALL NOT EXCEED 25.5 ACRE-Feet PER
YEAR. THE MAXIMUM RATE OF DIVERSION TO OFFSTREAM STORAGE SHALL NOT EXCEED 0.93
CUBIC FOOT PER SECOND. THE EQUIVALENT OF SUCH CONTINUOUS FLOW ALLOWANCE FOR ANY
30-DAY PERIOD MAY BE DIVERTED IN A SHORTER TIME IF THERE BE NO INTERFERENCE WITH
OTHER VESTED RIGHTS AND INSTREAM BENEFICIAL USES; AND PROVIDED FURTHER THAT ALL
TERMS OR CONDITIONS PROTECTING INSTREAM BENEFICIAL USES BE OBSERVED.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 900 FEET AND EAST 400 FEET FROM SW CORNER OF SECTION 27, T4N, R21W,
SBB&M, BEING WITHIN SW1/4 OF SW1/4 OF SAID SECTION 27.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

THE QUANTITY OF WATER DIVERTED UNDER THIS LICENSE IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD, IF, AFTER NOTICE TO THE LICENSEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to California Water Code Section 100 all rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (3) suppressing evaporation losses from water surfaces; (4) controlling phreatophytic growth; and (5) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

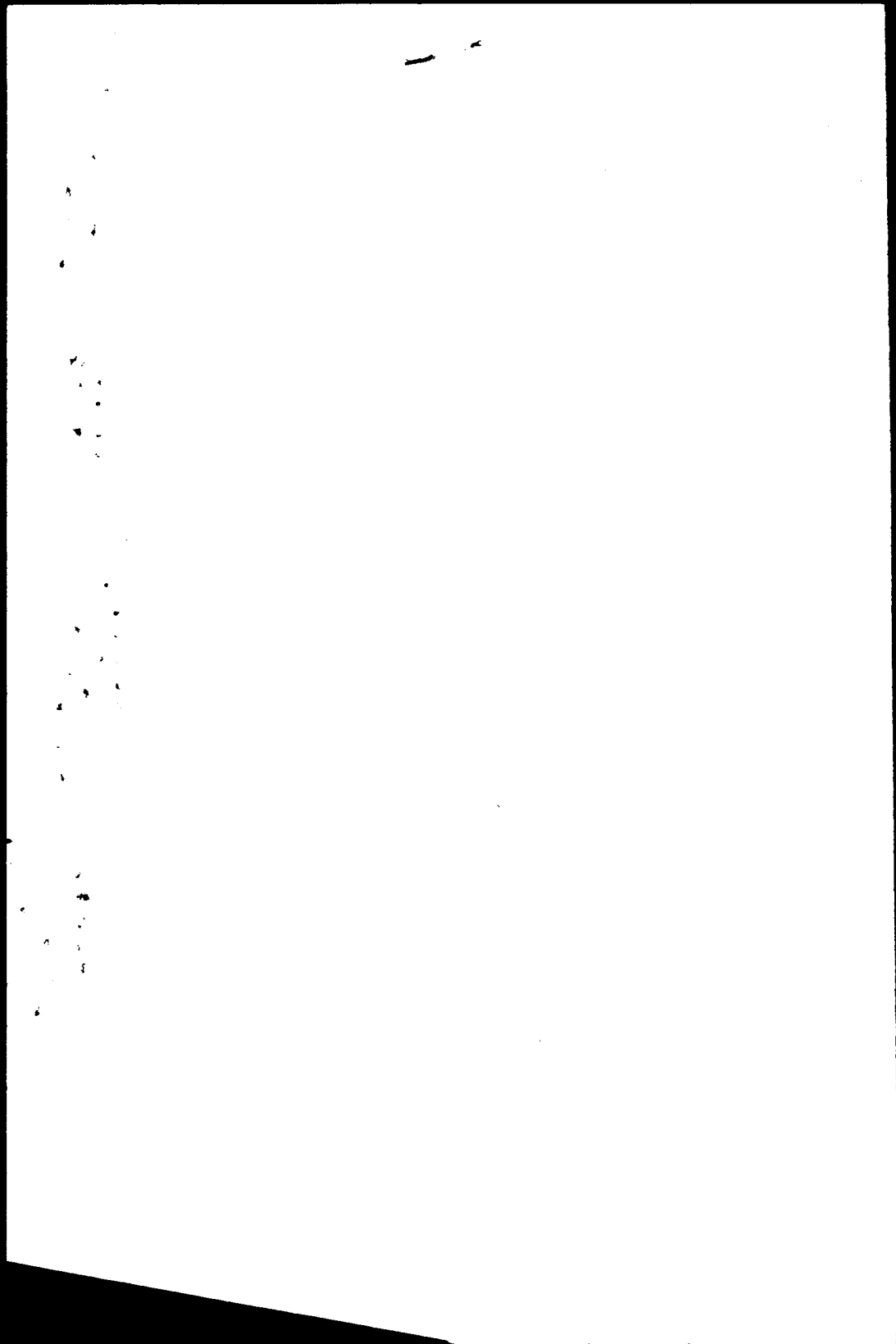
Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree

210877

7-6-84 Guardianship Chapt to David D. Whigley & Estate of
William D. Whigley

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Notice of asgd: 3-1-88

app: 24111	Pajaro Partners, Inc.
lic: 10877	
app# 25097	208 Robin Wigley Smith
lic# 10877	7676 - Luni Shore Road
	Santa Paula, Ca. 93060

9/28/95 Not of asgd: App#24111 Lic#10877
Wigley Ranch, A Partnership
Redwood

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